

### **REMARKS**

This communication is in response to the final Office Action mailed on March 31, 2009 in which claims 1-16 and 30-34 were pending. Claims 1-12 and 30 have been canceled. Claims 13-16 and 31-34 are pending.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 1, 6, 7, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouphael et al. (U.S. Patent Publ. 2003/0138040 – hereinafter “Rouphael”) in view of Ueda (U.S. Patent No. 5,644,597) and Haunstein et al. (U.S. Patent Publ. 2003/0142740 – hereinafter “Haunstein”). Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouphael in view of Cideciyan et al. (U.S. Patent No. 6,460,150 – hereinafter “Cideciyan”). Claims 4, 5, 9, 10, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouphael in view of Moon, J. and Park, J. (“Pattern-Dependent Noise Prediction in Signal-Dependent Noise,” IEEE Journal on Selected Areas in Communications, vol. 19, no. 4, April 2001). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouphael in view of Kwon et al. (U.S. Patent Publ. 2004/0156459 – hereinafter “Kwon”). Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouphael in view of Ojard et al. (U.S. Patent Publ. 2005/0031061 – hereinafter “Ojard”). Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouphael in view of Linnartz et al. (U.S. Patent Publ. 2002/0181549 – hereinafter “Linnartz”).

Claims 1-12 have been canceled. Claims 13-16 have been amended to depend from previously allowed claim 31. Claims 32-34 have also been indicated as allowed. Withdrawal of the rejections based on 35 U.S.C. § 103 is respectfully requested.

Conclusion

Applicant submits that the present application is in condition for allowance. Reconsideration and allowance of the application is requested. The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Kirk A. Cesari/  
Kirk A. Cesari, Reg. No. 47,479  
900 Second Avenue South, Suite 1400  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312